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Letter dated 8 November 2016 from the Permanent Representative of Serbia to the United Nations addressed to the President of the Security Council

I have the honour to forward, enclosed herewith, a letter addressed to you from the First Deputy Prime Minister and Minister for Foreign Affairs of the Republic of Serbia, Ivica Dačić, regarding some recent developments in the southern Serbian province of Kosovo and Metohija (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Milan **Milanović**

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Annex to the letter dated 8 November 2016 from the Permanent Representative of Serbia to the United Nations addressed to the President of the Security Council

[Original: English]

I have the honour to address you, in the name of the Government of the Republic of Serbia, and to draw your attention to a recent sequence of events in the southern Serbian province of Kosovo and Metohija, which is under the interim administration of a United Nations mission, concerning the passing of the Law on Trepča (No. 05/L-120) by the provisional institutions of self-government in Priština.

As you know, in 1999, the United Nations Interim Administration Mission in Kosovo (UNMIK), in accordance with Security Council resolution 1244 (1999), assumed supervision of the management of the Trepča AD mining, metallurgical and chemical conglomerate. UNMIK transferred the management rights of Trepča to the Kosovo Trust Agency, established by UNMIK in 2002. Following the illegal, unilateral declaration of independence by Priština in 2008, the Privatization Agency of Kosovo was established. It assumed the competencies of the Kosovo Trust Agency, something that, to date, has not been approved by UNMIK, the entity responsible for appointing the management of the northern part of Trepča ("Trepča North").

The passing of the above-mentioned law violates the basic principles of Security Council resolution 1244 (1999) and the Constitutional Framework for Provisional Self-Government in Kosovo. The latter explicitly specifies, as one of the reserved powers of the Special Representative of the Secretary-General of the United Nations, the authority to administer public, state and socially owned property in accordance with the relevant UNMIK legislation, as well as the regulation of public and socially owned enterprises.

This law represents a grave threat to stability in the region and an obstacle to economic development, both of which are principles enshrined in resolution 1244 (1999). Priština's actions, which promote an atmosphere of unilateral imposition, fait accompli and ultimatums instead of the resolution of outstanding issues through dialogue aimed at identifying solutions acceptable to all the parties involved, as has happened in the past, are absolutely not in the interests of peace and stability in the region. This illegal act also undermines the economic development of the province, since the law provides for the dissolution of Trepča North, which is the foundation of survival for the Serbs in this territory and the foundation of the economic development of, primarily, the municipalities of Kosovska Mitrovica, Zvečan, Leposavić and Zubin Potok, as well as Novo Brdo and Gračanica.

Furthermore, I would like to point out that, with this action, the provisional institutions of self-government in Kosovo and Metohija have openly exceeded their mandate by directly confiscating the private property of Trepča, to the detriment of its owners/shareholders, creditors and employees, and in contravention of the principles of international law, which prohibit such a form of confiscation. These actions also contravene numerous international instruments that guarantee the right to quiet enjoyment of property, prohibit discrimination and guarantee equality before the law, such as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the European Convention for the Protection

of Human Rights and Basic Freedoms and the European Charter of Local Self-Government.

I emphasize that the provisional institutions have passed this law without involving UNMIK and without consulting either the owners/shareholders of Trepča, the representatives of the municipalities in which its mines and installations are located, the representatives of the Serbs within the provisional institutions or the management and employees of Trepča North.

This unilateral action by the provisional institutions of self-government creates legal insecurity, which can seriously threaten the fragile security situation in Kosovo and Metohija. It is of particular concern that this law causes lasting disruption to sustainable economic development, the absence of which directly threatens the ethnic structure of the Serb communities in the province.

Respectful of the fact that reports on the work of UNMIK and the situation in the province are regularly reviewed at meetings of the Security Council, we request that, as President of the Council, you inform its member States about the aforementioned actions of the provisional institutions of self-government, which represent a violation of Security Council resolution 1244 (1999), so that, by the full weight of their authority, they may exercise their influence to have this law annulled in order to prevent negative legal and security consequences that threaten stability in Kosovo and Metohija and in the region.

(*Signed*) Ivica **Dačić**